

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ABC MORTGAGE CORPORATION
f/k/a JOHN G. MACLEOD d/b/a ABC
MORTGAGE COMPANY,

Plaintiff,

v.

Civil Action No. 04-10816-MLW

SCOTTSDALE INSURANCE COMPANY,

Defendant.

*

**INITIAL RULE 26(a)(1) DISCLOSURE OF PLAINTIFF,
ABC MORTGAGE CORPORATION f/k/a JOHN G. MACLEOD
d/b/a ABC MORTGAGE COMPANY**

(A) Individuals likely to have discoverable information which may support this party's claims:

- (1) John MacLeod, 42 Holbrook Avenue, Braintree, MA, regarding the claims of the plaintiff in this matter;
- (2) Representatives of the plaintiff, ABC Mortgage Corporation, 42 Holbrook Avenue, Braintree, MA 02184, including Ron Milton, Bill Whitehouse, Lee Macleod, and Bill Lehan, regarding the faxcasting;
- (3) Thomas Mulhern, the plaintiff in the underlying litigation, regarding his claims in the underlying matter;
- (4) Representatives of Fax.com, 120 Columbia, Suite 500, Aliso Viejo, CA 92656, including Jeff Arneson and "Kristen", regarding the faxcasting;
- (5) Representatives of Eloansites, 65 Eloansite, Suite 250, Aliso Viejo, CA 92656, regarding the faxcasting;

- (6) Dean W. Clause, Scottsdale Insurance Company, Claims Division, P.O. Box 4120 , Scottsdale, AZ 85261, regarding Scottsdale's actions and coverage position in instant case;
- (7) K. McCarthy, XS Brokers Insurance Agency, P.O. Box 69355, Quincy, MA, regarding insurance coverage placed for ABC Mortgage.
- (8) Maureen Dailey, 11 Bethel Terrace, Quincy, MA, regarding the insurance coverage obtained for ABC Mortgage.

(B) Documents, Data Compilations, and Tangible Things: Copies of items the plaintiff may use to support its claims or defenses will be provided to the defendant.

(C) Computation of Damages: The extent of the plaintiff's damages have not yet been determined. The damages include both indemnity and defense costs relative to the underlying matter, as well as attorneys fees and costs incurred in this matter. The plaintiff has incurred in excess of \$147,173.98 in defense costs to date in the underlying matter and in excess of \$23,350.35 to date in attorneys fees and costs in this matter.

(D) The subject Scottsdale policy will be produced.

ABC MORTGAGE CORPORATION
f/k/a JOHN G. MACLEOD d/b/a
ABC MORTGAGE COMPANY,

By its attorneys,



Willian D. Chapman BBO 551261
Kerry D. Florio BBO 647489
Melick Porter & Shea, LLP
28 State Street
Boston MA 02109
(617) 523 6200

Date: 8/17/05

CERTIFICATE OF SERVICE

I, Kerry D. Florio, hereby certify that on this day, I forwarded notice of the foregoing document(s) by forwarding a copy thereof via electronic filing, to the following:

Stephen J. Abarbanel
ROBINSON & COLE, LLP
One Boston Place
Boston, MA 02108-4404



Kerry D. Florio

Date:

8/18/05